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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,931

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PETERSON, KENNETH E

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,931	<b>Applicant(s)</b> VAN DER MEER, MATTHEUS JACOBUS	
	<b>Examiner</b> Kenneth Peterson	<b>Art Unit</b> 3724	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3724

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1, 3, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futterer et al. (3,213,536) in view of Tanaka (5,577,324).

Futterer shows a razor with most of the recited limitations including;

A cutter (16),

A trimmer (15),

A drive (27),

Means for reversing (lines 4-14, column 2) the drive structure such that the trimmer is removed from the drive structure,

A unidirectional clutch (9).

Futterer's trimmer has only one position. However, these days it is ubiquitous to have the trimmer pop out from the razor and such that the trimmer starts only when popped out. An example of this is Tanaka (paragraphs spanning columns 8 and 9). It would have been obvious to one of ordinary skill in the art to have modified Futterer by placing his trimmer on a pop-out arm such that the trimmer starts only when popped out, as taught by Tanaka and many others, in order to have a trimmer that can reach hard-to-reach places such as ears and under the chin. Logically, extension of the pop-out trimmer would initiate Futterer's trimmer-starting mechanism (the means for

Art Unit: 3724

reversing) because Tanaka teaches extending the pop-out mechanism initiating the trimmer starting mechanism.

Examiner notes that Futterer's trimmer is initiated by an electric switch, whereas Tanaka's trimmer is initiated by linking the drive upon pop-out of the trimmer. However, given the base teaching of initiating the trimmer upon pop-out, it would not have been challenging to one of ordinary skill in the art to have initiated Futterer's switch upon pop-out of the trimmer.

In regards to claim 3, Futterer has a switching circuitry (28).

In regards to claim 5, Futterer's trimmer drive "branches off" at a shaft (1, see figures 1-3).

3. Claim 1, 3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futterer et al. (3,213,536) in view of Tanaka (5,577,324), as set forth above, and further in view of Bergsma (US 4,355,464).

In regards to at least claims 6 and 8, the modified apparatus of Futterer still does not disclose the shaver wherein the number of cycles per unit of time of the driven trimmer is higher than said number of revolutions per unit time of the at least one driven cutter. Bergsma discloses a shaving apparatus a plurality of rotary shaving elements (2, 4) and a trimmer (21). The trimmer and the plurality of rotary shaving elements are both driven by a motor (6) and a gear system (see figures 1 and 2) such that the frequency of the trimmer and the RPMs of the rotary cutter can be selected independently (see column 2 lines 27-32). Further, Bergsma discloses that it is

Art Unit: 3724

preferable to have the rotary shaving element be driven at a lower number of RPMs than the frequency of the trimmer so as to reduce wear, friction, heat, and noise (see column 1 lines 24-27). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify the shaver of Futterer to have the number of cycles per unit of time of the driven trimmer be higher than said number of revolutions per unit time of the at least one driven cutter in view of the teachings of Bergsma in order to reduce wear, friction, heat, and noise.

4. Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that neither reference teaches *reversing the motor in response to putting the trimmer in it's operating position*. It is true that no *single* reference teaches this, but Futterer teaches reversing the motor to initiate the trimmer, and Tanaka teaches putting the trimmer in the operating position to initiate the trimmer. Putting these two teachings together obviously yields *reversing the motor in response to putting the trimmer in it's operating position*. The motivation to add the teaching of Tanaka is so that the trimming blade extends out from the razor body such that hard-to-reach places can be trimmed, such as ears and under the chin.

Examiner notes that there are significant differences between Applicant's device and the Futterer-Tanaka device. For example, the clutch is different, the cutter heads are different and the electrical switch is different. It may be possible to draft a claim that distinguishes over the prior art.

Art Unit: 3724

Made of record but not relied on is a patent to Miceli showing a razor with a reversible motor.

5. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Peterson whose telephone number is

Art Unit: 3724

(571)272-4512. The examiner can normally be reached on Monday-Thursday, 7:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth Peterson/  
Primary Examiner, Art Unit 3724